

567—106.3(455B) Citizen convenience center and transfer station permits.

106.3(1) *Permit required.* A citizen convenience center or a transfer station is a sanitary disposal project and shall not be constructed or operated without a permit from the department. In order to be issued a permit, a citizen convenience center or transfer station must satisfy the comprehensive planning requirements set forth in 567—Chapter 101. The issuance of a permit by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction and operation of a citizen convenience center or transfer station.

106.3(2) *Citizen convenience center permit exemption.* If a citizen convenience center is located at a permitted recycling or composting facility or sanitary disposal project, it shall not require its own permit; instead, the citizen convenience center shall be amended into the host facility's permit.

106.3(3) *Construction and operation.* A citizen convenience center or transfer station shall be constructed and operated according to the plans and specifications approved by the department and the conditions of the permit. The approved plans and specifications shall constitute a condition of the permit.

106.3(4) *Transfer of title and permit.* If title to a citizen convenience center or transfer station is transferred, then the department shall transfer the permit within 60 days if the department has found that the following requirements have been met:

a. The title transferee has applied in writing to the department to request a transfer of the permit within 30 days of the transfer of title.

b. The permitted facility is in compliance with Iowa Code chapters 455B and 455D, these rules and the conditions of the permit.

106.3(5) *Permit conditions.* Any permit may be issued subject to conditions specified in writing by the department that are necessary to ensure that the sanitary disposal project is constructed and operated in compliance with Iowa Code chapters 455B and 455D and these rules.

106.3(6) *Effect of revocation.* If a permit for a citizen convenience center or transfer station held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that sanitary disposal project for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the sanitary disposal project to another public or private agency.

106.3(7) *Inspection prior to commencing new operation.* The department shall be notified when the construction of a new citizen convenience center or a transfer station has been completed. The department shall then complete an inspection of the facility to determine if the sanitary disposal project has been constructed in accordance with the plans and specifications and permit requirements. No solid waste shall be accepted by the facility until it has been inspected and approved by the department.

106.3(8) *Duration and renewal of permits.* A citizen convenience center or transfer station permit shall be issued for a period of three years and is renewable, unless otherwise specified by conditions set forth in subrule 106.3(5).

106.3(9) *Request and approval of permit renewal.* A request for permit renewal shall be in writing and must be filed at least 90 days before the expiration of the current permit by submitting Form 50 (542-1542) to the department. The department may request that additional information be submitted for review in order to make a permit renewal decision. The department shall renew the permit if, after a review and inspection of the facility and its compliance history, the department finds that the facility is in compliance with Iowa Code chapters 455B and 455D, these rules and the conditions of the permit, and is making a good-faith effort to maintain compliance. If the facility is found not to be in compliance with Iowa Code chapters 455B and 455D, these rules, and the conditions of the permit or if a good-faith effort to maintain compliance is not being made, the sanitary disposal project shall be brought into compliance or placed on a compliance schedule approved by the department before the permit is renewed. The permit may be renewed with new conditions pursuant to subrule 106.3(5).

106.3(10) *Request for permit modification.* A request for permit modification shall be submitted in writing to the department with supporting documentation and materials. The department may request that additional information be submitted for review in order to make a permit modification decision.

The department may also request that information pursuant to rule 106.4(455B) for citizen convenience centers or rule 106.8(455B) for transfer stations be resubmitted, in part or in whole, in order to make a permit modification decision. The modified permit may be approved with new conditions pursuant to subrule 106.3(5).

106.3(11) *Emergency solid waste transfer permit.* If a primary sanitary disposal project in a service area becomes inoperable, the department may issue an emergency solid waste transfer permit for a period of time no longer than necessary for a sanitary disposal project that provides replacement capacity to be constructed and become operational. The department may also issue an emergency solid waste transfer permit for a period of time no longer than necessary for a sanitary disposal project to return to permitted capacity if more solid waste is produced by an extraordinary event than can be managed by a sanitary disposal project. The conditions of an emergency solid waste transfer permit shall be determined by the department and may be used as an alternative to the requirements of this chapter. The department shall issue an emergency solid waste transfer permit only if the department has determined that the following conditions apply:

a. It is not technically feasible to direct haul with solid waste collection vehicles and manage the solid waste at another sanitary disposal project or combination thereof in the service area or surrounding service areas.

b. Solid waste must be transferred from the area in order to protect human health and the environment.